



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/790,513

03/01/2004

Anthony Uy

064706-0038

1072

33401 7590 08/21/2008
MCDERMOTT WILL & EMERY LLP
2049 CENTURY PARK EAST
38th Floor
LOS ANGELES, CA 90067-3208

EXAMINER

LOVEL, KIMBERLY M

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,513	Applicant(s) UY ET AL.	
	Examiner KIMBERLY LOVEL	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-13, 16, 18-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 16, 18-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to the Amendment filed 13 May 2008.
2. Claims 1-9, 11-13, 16, 18-35 and 37 are currently pending and claims 10, 14, 15, 17 and 36 have been canceled. In the Amendment filed 13 May 2008, claim 37 is amended.
3. The rejections of claims 1-9, 11-13, 16, 18-35 and 37 as being unpatentable over US PGPub 2002/0120561 to Chin et al in view of US Patent No 5,787,443 to Palmer have been maintained.

Claim Objections

4. The objection to claim 57 has been withdrawn as necessitated by applicants' amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2167

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-9, 11-13, 16, 18-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2002/0120561 to Chin et al (hereafter Chin) in view of US Patent No 5,787,443 to Palmer (hereafter Palmer).

Referring to claim 1, Chin discloses a method for Harmonized Tariff Schedule (“HTS”) auditing using a software user interface and a database coupled to the software user interface using one or more layers of executable code comprising:

receiving by an importer from a customs broker an entry packet submitted to U.S. Customs, the entry packet containing information relating to a shipment for importation (see [0061]; [0076]; and [0119]); and

entering, by the importer [user], the entry packet into a first repository in the database [memory unit 16] (see Fig 3 and [0120]).

However, Chin fails to explicitly disclose the further limitations of consulting, by the importer, a second repository in the database, the second repository containing records relevant to a plurality of imported goods; comparing, by the importer, the entry packet in the first repository with the records in the second repository; identifying, by the importer, one or more discrepancies between the entry packet and the records; and

Art Unit: 2167

generating, by the importer, a report identifying the one or more discrepancies between the entry packet and the records. Palmer discloses two separate databases containing entered data (see column 4, lines 1-5), including the further limitations of

consulting a second repository in the database, the second repository containing records relevant to a plurality of goods [compare primary and secondary data blocks of reference database] (see Fig 4);

comparing the entry packet in the first repository with the records in the second repository [compare primary and secondary data blocks of reference database] (see Fig 4);

identifying one or more discrepancies between the entry packet and the records [indicate unmatched secondary data blocks] (see Fig 4); and

generating a report [a message indicating errors] identifying the one or more discrepancies between the entry packet and the records [indicate unmatched secondary data blocks] (see Fig 4).

Palmer fails to explicitly disclose wherein an importer is performing each of the above steps and wherein the records are relevant to imported goods. It would be obvious to one of ordinary skill to apply the steps to an importer and imported goods since a particular type of user and the purpose of the records has no effect on the concept that errors in database records can begin with the data originator occur upon entry into the database (Palmer: see column 1, lines 12-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of determining database accuracy disclosed by Palmer to

Art Unit: 2167

audit the entry packets of Chin. One would have been motivated to do so since importers typically face significant financial risk if any of the participants in the import process make an error (Chin: see [0022], lines 5-6).

Referring to claim 2, the combination of Chin and Palmer (hereafter Chin/Palmer) discloses the HTS audit method of claim 1 wherein the report is used to identify [indicate unmatched secondary data blocks] and correct errors [Correct Errors] relating to importation (Palmer: see Fig 4).

Referring to claim 3, Chin/Palmer discloses the HTS audit method of claim 1 wherein the software user interface comprises links [links on a website] from the first repository to the second repository (Chin: see [0019], lines 11-13).

Referring to claim 4, Chin/Palmer discloses the HTS audit method of claim 1 wherein the entry packet is received by the importer from the customs broker in an electronic format [loaded from electronic media provided by the data originator] (Palmer: see column 1, lines 21-25).

Referring to claim 5, Chin/Palmer discloses the HTS audit method of claim 1 wherein the entry packet comprises a 7501 Customs form (Chin: see [0120], lines 1-2).

Referring to claim 6, Chin/Palmer discloses the HTS audit method of claim 1 wherein the entry packet comprises a commercial invoice for the imported goods (Chin: see [0030], lines 7-9).

Referring to claim 7, Chin/Palmer discloses the HTS audit method of claim 1 wherein the entry packet comprises a shipping manifest [manifest] (Chin: see [0117] and [0124]).

Referring to claim 8, Chin/Palmer discloses the HTS audit method of claim 1 wherein the comparing the entry packet with the records comprises comparing HTS classifications assigned by the customs broker to HTS classifications stored in a product dictionary in the second repository (Palmer: see column 3, lines 17-59).

Referring to claim 9, Chin/Palmer discloses the HTS audit method of claim 1 wherein the comparing the entry packet with the records comprises comparing attribute classifications assigned by the customs broker to attribute classifications located in the second repository (Palmer: see column 3, lines 17-59).

Referring to claim 11, Chin/Palmer discloses the HTS audit method of claim 1 wherein the report [QC report] comprises data containing a list of errors based on the identified discrepancies (Palmer: see column 5, line 25 – column 6, line 19).

Referring to claim 12, Chin/Palmer discloses the HTS audit method of claim 1 wherein the entry packet comprises a Customs 7501 form (Chin: see [0120], lines 1-2), a commercial invoice (Chin: see [0030]), and a shipping manifest [manifest] (Chin: see [0117] and [0124]).

Referring to claim 13, Chin/Palmer discloses the HTS audit method of claim 1 wherein the identifying the one or more discrepancies is performed by a second user in a supervisory position over the importer [data can be provided by separate users] (Palmer: see column 3, line 63—column 4, line 5).

Referring to claim 16, Chin discloses an apparatus for auditing of Harmonized Tariff Schedule ("HTS") classification for U.S. Customs importation, comprising: a database comprising internal records relevant to Harmonized Tariff Schedule CHTS")

Art Unit: 2167

classifications and (ii) software user interface means for accessing the database comprising (a) receive electronic entry packets (see Fig 3 and [0120]).

Chin fails to explicitly disclose the further limitations of the software program suite configured to: receive electronic entry packets; enable a user at the computer terminal to compare one of the entry packets to the internal records; and enable the user to generate a report comprising discrepancies between the one of the entry packets and the internal records. Palmer discloses two separate databases containing entered data (see column 4, lines 1-5), including the further limitations of

- a computer terminal [computer 2] (see Fig 1);

- a user interface accessible from the computer terminal [screen 7 of display 6 is used to present a graphical user interface] (GUI) (see column 2, lines 51-52); and

- a software program suite coupled to the database and to the user interface (see column 3, lines 1-17), the software program suite configured to:

- receive electronic entry packets (see column 3, line 60 – column 4, line 5);

- enable a user at the computer terminal to compare one of the entry packets to the internal records [compare primary and secondary data blocks of reference database] (see Fig 4); and

- enable the user to generate a report [a message indicating errors] comprising discrepancies between the one of the entry packets and the internal records [indicate unmatched secondary data blocks] (see Fig 4 and column 5, line 25 – column 6, line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of determining database accuracy disclosed by Palmer to audit the entry packets of Chin. One would have been motivated to do so since importers typically face significant financial risk if any of the participants in the import process make an error (Chin: see [0022], lines 5-6).

Referring to claim 18, Chin/Palmer discloses the system of claim 16 wherein the report is used to identify and correct errors relating to importation (Palmer: see column 5, line 25 – column 6, line 18).

Referring to claim 19, Chin/Palmer discloses the system of claim 16 wherein the report comprises data containing a list of errors based on the identified discrepancies (Palmer: see column 5, line 25 – column 6, line 18).

Referring to claim 20, Chin/Palmer discloses the system of claim 16 further comprising a second computer terminal through which the user interface is accessible (Palmer: see column 2, lines 48—column 3, line 17).

Referring to claim 21, Chin/Palmer discloses the system of claim 20 wherein the second terminal is configured to enable a second user to compare some of the entry packets to the internal records (Palmer: see column 5, line 25 – column 6, line 18).

Referring to claim 22, Chin/Palmer discloses the system of claim 16 wherein the entry packets comprise a Customs 7501 form (Chin: see [0120], lines 1-2), a commercial invoice (Chin: see [0030]), and a shipping manifest [manifest] (Chin: see [0117] and [0124]).

Referring to claim 23, Chin/Palmer discloses the system of claim 16 wherein the software interface comprises software navigational links (Palmer: see column 2, lines 48-67).

Referring to claim 24, Chin discloses an Harmonized Tariff Schedule (“HTS”) classification method for auditing entry packets for U.S. Customs comprising:

inserting, using a software user interface, an entry packet into a database [memory unit 16] (see Fig 3 and [0120]).

However, Chin fails to explicitly disclose the further limitations of comparing data in the entry packet to internal records located in the database; identifying one or more errors between the data and the internal records; and generating a report comprising the errors. Palmer discloses two separate databases containing entered data (see column 4, lines 1-5), including the further limitations of:

comparing data in the entry packet to internal records located in the database [compare primary and secondary data blocks of reference database] (see Fig 4);

identifying one or more errors between the data and the internal records [indicate unmatched secondary data blocks] (see Fig 4); and

generating a report [a message indicating errors] comprising the errors [indicate unmatched secondary data blocks] (see Fig 4 and column 5, line 25 – column 6, line 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of determining database accuracy disclosed by Palmer to audit the entry packets of Chin. One would have been motivated to do so since

importers typically face significant financial risk if any of the participants in the import process make an error (Chin: see [0022], lines 5-6).

Referring to claim 25, Chin/Palmer discloses the method of claim 24 wherein the entry packet comprises a 7501 U.S. Customs form (Chin: see [0120], lines 1-2).

Referring to claim 26, Chin/Palmer discloses the method of claim 24 wherein the database further comprises a plurality of repositories, including a repository for storing the entry packet and at least one repository for storing the internal records [pair of databases] (see column 1, lines 57 – column 2, line 9).

Referring to claim 27, Chin/Palmer discloses the method of claim 26 wherein one of the at least one repository comprises a decision tree database of HTS classifications (Palmer: see column 3, lines 11-59).

Referring to claim 28, Chin/Palmer discloses the method of claim 24 wherein the comparing is performed by a user working for the importer (see column 3, line 60 – column 4, line 5).

It would be obvious to one of ordinary skill to apply the steps to a user working for the importer since a particular type of user has no effect on the concept that errors in database records can begin with the data originator occur upon entry into the database (Palmer: see column 1, lines 12-31).

Referring to claim 29, Chin/Palmer discloses the method of claim 24 wherein the report is used to identify [indicate unmatched secondary data blocks] and correct errors [Correct Errors] relating to importation (Palmer: see Fig 4).

Referring to claim 30, Chin/Palmer discloses the method of claim 24 wherein the software user interface is accessible from a plurality of user terminals (Palmer: see Fig 1 and Fig 2).

Referring to claim 31, Chin/Palmer discloses the method of claim 24 wherein the entry packet is obtained from the customs broker in an electronic format [loaded from electronic media provided by the data originator] (Palmer: see column 1, lines 21-25).

Referring to claim 32, Chin/Palmer discloses the method of claim 24 wherein the inserting the entry packet is performed by an analyst working for the importer [data can be provided by separate users] (Palmer: see column 3, line 63—column 4, line 5).

Referring to claim 33, Chin/Palmer discloses the method of claim 24 wherein the internal records are organized in an internal-to-commodity map (Palmer: see column 3, lines 11-59).

Referring to claim 34, Chin discloses an apparatus for auditing of Harmonized Tariff Schedule ("HTS") classification for U.S. Customs importation, comprising: (ii) software user interface means for accessing the database comprising (a) input means for entering entry packets (see Fig 3 and [0120]).

Chin fails to explicitly disclose the further limitations of (i) database comprising a plurality of repositories; (b) comparison means for comparing entry packets with internal records in some of the plurality of repositories; (c) report-generating means for creating reports identifying inconsistencies between the entry packets and the internal records;

Art Unit: 2167

and (iii) a plurality of remote terminals through which the software user interface is accessible by one or more users.

Palmer discloses two separate databases containing entered data (see column 4, lines 1-5), including the further limitations of

(i) database comprising a plurality of repositories (see column 1, lines 59-60);

(b) comparison means for comparing entry packets with internal records in some of the plurality of repositories [compare primary and secondary data blocks of reference database] (see Fig 4);

(c) report-generating means for creating reports identifying inconsistencies between the entry packets and the internal records [indicate unmatched secondary data blocks] (see Fig 4).

(iii) a plurality of remote terminals through which the software user interface is accessible by one or more users (see column 2, lines 48-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the method of determining database accuracy disclosed by Palmer to audit the entry packets of Chin. One would have been motivated to do so since importers typically face significant financial risk if any of the participants in the import process make an error (Chin: see [0022], lines 5-6).

Referring to claim 35, Chin/Palmer discloses the apparatus of claim 34 wherein reports from the report-generating means are used to correct errors [Correct Errors] in importation (Palmer: see Fig 4).

Referring to claim 37, Chin/Palmer discloses the method of claim 1 wherein the software user interface comprises links from the first repository to the second repository (Chin see [0019], lines 11-13); the entry packet is received by the importer from the customs broker in an electronic format (Palmer: see column 1, lines 21-25); the entry packet comprises a 7501 Customs form (Chin: see [0120], lines 1-2), a commercial invoice for the imported goods (Chin: see [0030], lines 7-9), and a shipping manifest; the comparing the entry packet with the records comprises comparing HTS classifications assigned by the customs broker to HTS classifications stored in a product dictionary in the second repository; the comparing the entry packet with the records comprises comparing attribute classifications assigned by the customs broker to attribute classifications located in the second repository (Palmer: see Fig 4); and the report comprises data containing a list of errors based on the identified discrepancies (Palmer: see column 5, line 25 – column 6, line 18).

Response to Arguments

8. Applicant's arguments filed in regards to the prior art rejection have been fully considered but they are not persuasive.

9. On page 8 of the Remarks, the applicants state “The problem with Chin, of course, is that Chin requires all parties to the transaction to access and share a common database. This can require a degree of integration and cooperation among various parties to the transaction that is greater than what can be achieved in today’s marketplace.”

The examiner respectfully disagrees. The mere arrangement of the system disclosed by Chin portrays to one of ordinary skill in the art that requirement of all parties to the transaction to access and share a database does not require a degree of integration and cooperation that is greater than what can be achieved in today's marketplace.

10. On page 8 of the Remarks, the applicants argue "The preamble of claim 1 indicates that claim 1 is directed to 'a method for Harmonized Tariff Schedule ("HTS") auditing ...' Chin does not disclose a method for HTS auditing."

In response to applicant's arguments, the recitation of "Harmonized Tariff Schedule" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Chin discloses the concept of granting access to a database to a plurality of parties in order to ensure database accuracy and therefore meets the requirements of the preamble.

11. On page 8 of the Remarks, the applicants argue "The first element of claim 1 requires an importer to receive 'from a customs broker' an entry packet from the customs broker submitted to U.S. Customs. The importer in Chin does not receive the

Art Unit: 2167

U.S. Customs form 7501 from a customs broker. In Chin, the importer accesses a common database on its own and can examine the U.S. Customs form 7501. However, this document does not come 'from a customs broker,' as required by claim 1. It is generated by Chin's shared database system based on information supplied by several parties, many of which are not the customs broker."

The examiner respectfully disagrees that Chin fails to teach this limitation. According to paragraph [0120], Chin discloses that a user files an entry summary document. One type of user is a broker (Chin: see [0043], lines 3-6). Also, paragraph [0024] of Chin states that a customs broker can input data. Furthermore, Chin states in [0061] that a user may select the "transactions" link for a particular account. According to paragraph [0043], lines 3-6, a user can be an importer. According to [0019], a user requests data and the system provides the requested data based on a user's access right. Thus, when the claim language is given the broadest reasonable interpretation, the importer accessing data in a database that was entered by a customs broker meets the requirements of the importer receiving data from a broker.

12. On page 8 of the Remarks, the applicants' argues "The second element of claim 1 requires the importer to enter the entry packet into a first repository in a database. This step is completely lacking in Chin. By requiring the entry packet to be entered into a first repository in a database, this step of claim 1 makes clear that the entry packet and the first database repository are separate things. In Chin, there is no such separateness. There is only a single U.S. Customs form 7501. Further, much of the

Art Unit: 2167

content of the U.S. Customs form is not entered by the importer, as also required by claim 1.

The examiner respectfully disagrees. Any user with the required access rights can enter data into the database. An importer as mentioned previously is one type of user. The differentiation among the different types of users is merely each user's access rights. Therefore, the concept of an importer inputting data as opposed to any other user entering data is design choice since both types of users (broker and importer) have the capability of entering data.

13. On pages 8-9, the applicants argue that Chin fails to teach the elements of the importer consulting a second repository, the importer comparing the entry packet in the first repository to a second repository, identifying discrepancies and the importer generating a report.

It is noted that the examiner has not utilized Chin to teach these limitations.

14. On page 9 of the Remarks, the applicants state "The Examiner nevertheless contends that claim 1 would have been obvious because Palmer disclosed the idea of verifying the contents of one database by comparing it to another. Applicants respectfully disagree that modifying Chin to include this feature would yield the invention of claim 1. For example, There is nothing in either reference or their combination that suggests that the importer should: receive from the customs broker the entry packet which the customs broker submitted to U.S. Customs; enter the content of the entry packet into a first repository in a database, as opposed to merely accessing the data in the centralized database disclosed by Chin; Compare, identify, and generate reports

Art Unit: 2167

about discrepancies in entry packets, as opposed to any of the many other data structures that Chin stores, such as commercial invoices, shipping manifests, tariff schedules, etc.”

The examiner respectfully disagrees. Chin discloses the concept of entering data into a database for the purpose of filing an entry packet with customs. Chin states that “Importers 18 typically face significant financial risk if any of the participants in the process make an error (see [0022], lines 5-6).” Therefore, it would be obvious to one of ordinary skill in the art to incorporate the steps of determining database accuracy with the process of Chin in order to verify that the data filed by the customs broker contains no errors.

15. Regarding applicants’ arguments on page 10 of the Remarks concerning claims 16, 24 and 34, the rejections are maintained for the reasons stated above in regards to claim 1.

16. Since Claims 2-9, 11-13, 18-23, 25-33 and 37 are dependent upon claims 1, 16, 24 or 34, the rejections are maintained for the reasons stated above.

17. On page 10 of the Remarks, the applicants argue that neither Chin nor Palmer disclose the feature of claim 8. The examiner respectfully disagrees. Claim 8 is merely comparing two set of records which is taught by the cited portion of Palmer.

18. On page 10 of the Remarks, the applicants argue that Chin and Palmer fail to disclose the further limitation of attribute classifications. It is noted that the term is given the broadest reasonable interpretation and is not limited to the examples given by the

Art Unit: 2167

applicants in the Remarks. Therefore, the cited portion of Palmer is considered to meet the requirements of the claim.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luke S. Wassum/
Primary Examiner
Art Unit 2167

/Kimberly Lovel/
Examiner
Art Unit 2167

15 August 2008
kml

Application/Control Number: 10/790,513
Art Unit: 2167

Page 20